IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 30077 of 2007(E)

AGAINST THE ORDER IN EP 765/2005 IN OS.361/2003 of PRL.M.C.,IRINJALAKUDA
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PETITIONERS:
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1. SIMON, AGED 38, S/O.CHUKIRI KOCHAPPAN, VARAKARA DESOM, AMBALLUR VILLAGE, MUKUNDAPURAM TALUK.

2. ARAVINDAKSHAN, S/O.VILAKATHARA GOPALAN, VARAKARA DESOM, AMBALLUR VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.K.RAVI (PARIYARATH)

RESPONDENT:

KSHEMANITHY KURIES AND LOANS (P) LTD., THRISSUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 30077 OF 2007

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Dated this the 10th day of October, 2007.

J U D G M E N T

This writ petition is filed by the judgment debtors 2 and 4 in E.P.765/05 in O.S.361/03 of the Munsiff Court, Irinjalakuda. I am informed that the Court has passed an order of arrest against these two persons, they entrusted the matter to a lawyer and it is seen from Ext.P3 application that as he was laid up with viral fever and he could not attend the Court. Ext.P2 and P3 applications had been filed to set aside the exparte order and give them a chance to contest the case which is pending consideration before the executing Court. I think, under such circumstances, the Court below shall not be in haste to execute the warrant of arrest and therefore I direct the Court below to consider Ext.P2 and P3 applications as expeditiously as possible on condition that the present judgment debtors make a payment of Rs.10,000/- to the decree holder within a period of one month from today.

If they do not pay the amount, the Court can proceed with the execution of the warrant of arrest. Till that time the arrest and detention of these persons shall stand deferred.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-